

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

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INVITATION TO PAY ADDITIONAL FEES
AND, WHERE APPLICABLE, PROTEST FEE
(PCT Article 17(3)(a) and Rule 40.1 and 40.2(e))

REGISTERED MAIL

Date of mailing
(day/month/year)

11/02/2010

Applicant's or agent's file reference

LEMAN.003VPC

PAYMENT DUE

within **ONE MONTH** from
the above date of mailing

International application No.

PCT/US2008/069344

International filing date
(day/month/year)

07/07/2008

Applicant

LEMAN CARDIOVASCULAR SA

1. This International Searching Authority

- (i) considers that there are 2 (number of) inventions claimed in the international application covered by the claims indicated on an extra sheet:
- (ii) therefore considers that **the international application does not comply with the requirements of unity of invention** (Rules 13.1, 13.2 and 13.3) for the reasons indicated on an extra sheet:
- (iii) ☒ has carried out a partial international search (see Annex) ☐ will establish the international search report on those parts of the international application which relate to the invention first mentioned in claims Nos.:
see extra sheet
- (iv) will establish the international search report on the other parts of the international application only if, and to the extent to which, additional fees are paid.

2. Consequently, the applicant is hereby **invited to pay**, within the time limit indicated above, the amount indicated below:

EUR 1.700,00 x 1 = EUR 1.700
Fee per additional invention number of additional inventions currency/total amount of additional fees

3. The applicant is informed that, according to Rule 40.2(c), **the payment of any additional fee may be made under protest**, i.e., a reasoned statement to the effect that the international application complies with the requirement of unity of invention or that the amount of the required additional fee is excessive, where applicable, subject to the payment of a protest fee.

Where the applicant pays additional fees under protest, the applicant is hereby invited, within the time limit indicated above, to pay a protest fee (Rule 40.2(e)) in the amount of EUR 750,00 (currency/amount)

Where the applicant has not, within the time limit indicated above, paid the required protest fee, the protest will be considered not to have been made and the International Searching Authority will so declare.

4. ☒ Claim(s) Nos. see extra sheet have been found to be unsearchable under Article 17(2)(b) because of defects under Article 17(2)(a) and therefore have not been included with any invention.

Name and mailing address of the International Searching Authority



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Authorized officer

Vera Schertl

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. claims: 1-52

Claims are directed to a valve reinforcement device comprising a plurality of commissural supports and a plurality of intercommissural supports, each being located circumferentially between two commissural supports. The device also has a base at the inflow region of the valve attached to the supports and configured to receive a biological valve.

2. claims: 54-66

Claims are directed to a bioprosthetic valve comprising a frame having three attachment points forming a first trigone and three attachment points forming a second trigone with the frame having a first diameter. The valve also comprises a crosslinked biological valve having a second diameter when not attached to the frame smaller than the first diameter and attached to the attachment points under tension so that it is stretched to the first diameter.

The common matter between any two groups of inventions is at most a frame with six attachment points for a biological valve. Said matter is clearly not novel over the general common knowledge. There are also several documents disclosing said matter, see for example WO 96/40008.

The features of each group which are not common with any of the other groups address different technical problems. Said problems may be regarded as being:

i) a way of providing a valve support providing support to the walls of a biological valve solved by the features of the intercommissural supports of claims 1 - 52.

ii) a way of providing a valve held under tension solved by the features of the supports and frame having a larger diameter than the biological valve of claims 54 - 66.

Thus, the two groups are not linked by the same or corresponding special technical features and the present invention cannot be regarded as unitary according to Rule 13.1. PCT.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 206

Continuation of Box 4.

Claim(s) completely searchable:
1-52, 54-66

Claim(s) not searched:
53

Rule 39.1(1v) PCT - Method for treatment of the human or animal body by surgery

1. The present communication is an Annex to the invitation to pay additional fees (Form PCT/ISA/206). It shows the results of the international search established on the parts of the international application which relate to the invention first mentioned in claims Nos.:
- see 'Invitation to pay additional fees'
2. This communication is not the international search report which will be established according to Article 18 and Rule 43.
3. If the applicant does not pay any additional search fees, the information appearing in this communication will be considered as the result of the international search and will be included as such in the international search report.
4. If the applicant pays additional fees, the international search report will contain both the information appearing in this communication and the results of the international search on other parts of the international application for which such fees will have been paid.

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 96/40008 A1 (ST JUDE MEDICAL [US]) 19 December 1996 (1996-12-19) page 6, line 5 - page 18, line 8; figures 1-6	1-3, 6-16, 21-26, 30-36, 46, 48, 50-52
X	US 2003/036795 A1 (ANDERSEN HENNING RUD [DK] ET AL) 20 February 2003 (2003-02-20) paragraphs [0017], [0018], [0025], [0026], [0041], [0042]; figures 1, 2	1, 4-8, 11-12, 20, 30, 32-35, 37-39, 41, 46-47, 50-51
X, P	WO 2008/035337 A2 (VENTOR TECHNOLOGIES LTD [IL]) 27 March 2008 (2008-03-27) the whole document	1, 4-9, 11-15, 17, 20, 22-23, 30, 32-35, 37-39, 41, 46, 48, 50-51



Further documents are listed in the continuation of box C.



Patent family members are listed in annex.

* Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- *G* document member of the same patent family

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
E	<p>WO 2008/150529 A1 (ST JUDE MEDICAL [US]; BRAIDO PETER N [US]; ALKHATIB YOUSEF F [US]) 11 December 2008 (2008-12-11)</p> <p>the whole document -----</p>	<p>1-4, 6-9, 11-12, 16, 20, 22-24, 30, 32-36, 38, 46, 50-52</p>

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
WO 9640008	A1	19-12-1996	AU 6158496 A	30-12-1996
			BR 9609181 A	11-05-1999
			CA 2221707 A1	19-12-1996
			DE 69630220 D1	06-11-2003
			DE 69630220 T2	06-05-2004
			EP 0833595 A1	08-04-1998
			ES 2202448 T3	01-04-2004
			JP 11507557 T	06-07-1999
			US 5716417 A	10-02-1998
			US 5984973 A	16-11-1999
US 2003036795	A1	20-02-2003	US 2010004727 A1	07-01-2010
WO 2008035337	A2	27-03-2008	NONE	
WO 2008150529	A1	11-12-2008	AU 2008260444 A1	11-12-2008

Important Information

General:

- The **claims cannot be changed** at this point in the procedure, the transmitted report is **not** the international search report (see Art. 19 PCT).
- Any payment has to be made **directly** to this ISA, payments to other entities will not be accepted.
- In case of a **total of more than 2 inventions** found: when paying please **specify exactly** which claims should be searched (unless you pay for all inventions found)
- An **extension of the set time limit** cannot be granted.

Payment by cheque (not accepted as of 01/04/2008):

- The **date to be considered as the date on which the payment is made** is the **date of receipt of the cheque at the EPO**, provided that the cheque is **met**.
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- The fees shall be paid in euro, no equivalents in other currencies.
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- The fees shall be paid in euros, no equivalents in other currencies, all charges to be carried by the applicant
- For a list of accounts held by the EPO please see http://www.european-patent-office.org/epo/new/bank_euro.pdf

Payment by deposit account with the EPO:

- The **date to be considered as the date on which the payment is made** is the date that the **authorisation** to deduct fees from the deposit account is **received at the EPO**.

***Note:** If you don't have a deposit account with the EPO yourself you might want to consider using the account of an associate as a safe and quick way of paying.*

Payments by credit card are not possible.

Payments under protest (one-step procedure under Rule 40 PCT as of 13/12/2007):

- For general information on the protest procedure at ISA/EP, please refer to the Special Edition No. 3 of the OJ of the EPO 2007, pages 140-145, http://www.european-patent-office.org/epo/pubs/oj007/08_07/special_edition_3_epc_2000_decisions.pdf
- Any protest will **only be accepted if**, within the time limit set in the invitation, the additional fees for each invention to be searched **and** the protest fee are paid.
- The protest has to be **accompanied by a technical reasoning**.

European Patent Organisation

Account details

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